

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), and (e)**  
**for**  
**Wednesday, February 7, 2007**  
**10:00 a.m.**  
**Sacramento, California**  
**&**  
**West Covina, California**

**TO: Members of the California Occupational Safety and Health Appeals Board**

**FROM: J. Jeffrey Mojcher, Chief Counsel**

**DATE: January 25, 2007**

**RE: Closed Session of the Board on February 7, 2007**

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), and (e) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session.

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**DECISIONS OF ADMINISTRATIVE LAW JUDGES:**

*(Written decision issued by an Administrative Law Judge. The decision summarizes the evidence received from the Division of Occupational Safety & Health and the Employer, makes findings of fact for all issues involved in the appeal and gives reasons and grounds for the decision. The Board Members review the decision and decide if they will reconsider the ALJ decision on their own motion.)*

1. ADMIRAL TRANSPORTATION, 05-R4D4-2144 THROUGH 2150
2. FS DESIGN & CONSTRUCTION, 04-R4D1-2207 AND 2208
3. GR/JR CONSTRUCTION, 04-R3D3-1863 AND 1864
4. JELD-WEN WINDOWS & DOORS, 04-R2D1-3723
5. MARK J. MACCARRA BUILDERS, INC. dba MJM BUILDERS, 04-R1D1-4345
6. PANATTONI CONSTRUCTION, INC., 05-R2D1-1676

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**DECISIONS AFTER REMAND**

1. ACE LATH & PLASTER, INC., dba ACE LATHING, INC., 01-R6D1-4798 THROUGH 4806
2. B & T INDUSTRIES, 03-R6D1-847 THROUGH 852
3. WAREHOUSE DEMO SERVICES, 03-R1D4-3427

**ORDERS OF ADMINISTRATIVE LAW JUDGES:**

*(Written order issued by an Administrative Law Judge after a pre-hearing conference in which the Division of Occupational Safety & Health and the Employer agree to settle an appeal without a hearing. The Board Members review the order and decide if they will reconsider or remand the issued order.)*

1. ALL COUNTY ENVIRONMENTAL, INC., 06-R4D1-2821
2. BEST ROOFING & WATERPROOFING, INC., 05-R1D4-3911
3. BIG VALLEY STYLES INC. dba THOMASVILLE, 06-R2D1-3636
4. BRUNSWICK, 06-R4D3-1659 AND 1660
5. BUNDY, INC., 06-R4D1-2822 AND 2823
6. C & T METAL SUPPLY COMPANY, 06-R4D2-2057 AND 2058
7. CABINET PLUS, 06-R4D3-2354, 07-R4D3-001
8. CALFEE DESIGN, LLC 06-R1D2-3697
9. CALIFORNIA CEREAL PRODUCTS, INC., 04-R1D4-1069 AND 1070, 05-R1D4-1146 AND 1147
10. CALVAC PAVING, INC., 06-R1D3-423
11. CAPAZ CONSTRUCTION CORPORATION, 06-R1D2-2646
12. CAPITOL DISPOSAL, LLC, 04-R2D1-4361 THROUGH 4364
13. CAPITOL WASTE, 04-R2D1-4367 THROUGH 4370
14. LOUIS CUEVAS dba COLORIFIC PAINTING, 04-R1D4-2865
15. D.A. DOMINGUEZ ROOFING COMPANY, 06-R2D4-2188 AND 2189

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16. DUNMORE HOMES, 05-R2D1-1863
17. EAST BAY GLASS COMPANY, 06-R1D4-427 AND 428
18. EMBASSY SUITES HOTEL, 04-R1D5-258 AND 259
19. EVERGREEN ENTERPRISES, INC., 06-R4D4-3251
20. FARMERS FIREBAUGH GINNING, 06-R2D5-2201
21. FLORIN PERKINS LANDFILL, INC., 04-R2D1-4376 THROUGH 4379
22. GENERAL MAGNAPLATE CALIFORNIA, 06-R6D2-1693 THROUGH 1697
23. GRAPHICS UNITED, 06-R4D4-3593 AND 3594
24. WILLIAM MACK GROSSEN dba GROSSEN COMPANY, 05-R2D1-1673  
THROUGH 1675
25. GUARANTEED EXPRESS, INC., 06-R1D2-3998
26. HOLLANDER HOME FASHIONS CORP., 06-R4D2-1634 AND 1635
27. J.R. KRAUSS, LTD., 06-R2D1-3637
28. JOE C. LOURENCO & SONS, 06-R2D4-2496
29. KAYLINE ENTERPRISES, INC., 06-R3D5-2481 AND 2482
30. LEE & ASSOCIATES RESCUE EQUIPMENT, INC., 04-R1D2-2047
31. LLOYD W. AUBRY COMPANY, INC., 06-R1D3-2451, 06-R1D3-3856
32. CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER, 05-R4D1-  
1468 AND 1469
33. MBC CONSTRUCTION, INC., 03-R3D1-5055 AND 5056
34. MICHAEL STARTS, THE ORIGINAL TEE, 06-R4D1-2049 AND 2050
35. MIDAS WEAR, INC., 06-R4D1-2816 AND 2817
36. MP ALLEN GENERAL CONTRACTORS, INC., 06-R2D1-3707 AND 3708
37. NORCAL CONSTRUCTION, 06-R2D1-3061

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- 38. OMC BUILDING, INC., 06-R1D4-2660
- 39. ORION CUSTOM BOATS, 05-R6D2-4012 AND 4020
- 40. PG & E, 05-R2D1-2291
- 41. PACIFIC CONTINENTAL TRUSS, 04-R1D2-1404, 04-R1D2-3026 THROUGH 3028
- 42. PECK AND HILLER COMPANY, 04-R1D3-3710
- 43. PRODUCTION FRAMING SYSTEMS, INC., 05-R2D1-956, 05-R2D1-2881
- 44. PROPERTY MANAGEMENT SYSTEMS, 03-R1D1-3882
- 45. SEA BREEZE HARVESTING, 06-R3D3-2784 AND 2785
- 46. SELMA PALLET, INC., 04-R2D5-014
- 47. SEVEN OAKS CONSTRUCTION, 05-R1D2-2470 THROUGH 2475
- 48. SIMMONS REAL ESTATE, INC., 06-R2D1-3711 AND 3712
- 49. STROCAL CORPORATION, 05-R4D3-1208
- 50. T.W. DALE dba TDI MECHANICAL, 05-R1D4-1409
- 51. UNION ASPHALT, INC., 06-R4D3-2860
- 52. VIACOM OUTDOOR, 03-R4D4-4695 AND 4696
- 53. WALNUT VALLEY UNIFIED SCHOOL DISTRICT, 06-R4D4-3592
- 54. WEST COAST PLASTICS, INC., 06-R4D4-2500
- 55. WESTERN WATERPROOFING COMPANY, INC., 04-R2D1-4374
- 56. WESTWOOD HOMES, 06-R2D4-3109
- 57. TOM WILLIAMS, 05-R2D3-3863 AND 3864
- 58. YEAGER SKANSKA, INC., 06-R4D4-2504

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**ORDER DENYING LEAVE TO FILE LATE APPEAL:**

1. CHERYL & ERNIE STREHLOW dba EMBROIDME, 07-R2D1-9009 THROUGH 9011

**PETITIONS FOR RECONSIDERATION:**

*(The Division of Occupational Safety & Health and the Employer each has the right to petition the Appeals Board to reconsider a decision or order of an Administrative Law Judge. The Appeals Board must decide to grant or deny each petition.)*

1. JOHN LAING HOMES, 01-R3D1-194 AND 195
2. CLUB FRESH, LLC, 06-R2D1-9241 AND 9242

**DENIALS OF PETITIONS FOR RECONSIDERATION (DRAFT):**

1. ALCO IRON & METAL COMPANY 04-R2D2-4270
2. EXPRESS SERVICES GROUP 06-R4D3-9227
3. WEST COAST LINEN & SUPPLY 06-R2D5-9237

**DECISIONS AFTER RECONSIDERATION (DRAFTS):**

*(If the Appeals Board grants a petition for reconsideration it reviews the facts of the appeal and then issues a decision after reconsideration upholding, reversing or modifying the underlying ALJ decision.)*

1. UNITED AIRLINES, 00-R1D5-2844  
ACTION: This matter will be reviewed and discussed.
2. AC FRAMERS INC., 03-R2D3-3475
3. A & C LANDSCAPING, INC., aka A & C CONSTRUCTION, INC., 03-R4D4-4791
4. BAY AREA SYSTEMS & SOLUTIONS, dba BASS ELECTRIC, 01-R1D3-106
5. BLUE DIAMOND MATERIALS, 02-R5D2-1268
6. BRYDENCOT METAL PRODUCTS, 03-R3D3-3554 AND 3555
7. CALDWELL-ROLAND ROOFING, INC., 03-R1D4-2905
8. CENTRAL VALLEY CONTRACTING, 05-R4D3-2351

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9. CALIFORNIA FAMILY FITNESS, 03-R2D1-095 & 096
10. COX COMMUNICATIONS, 03-R3D2-1942
11. DAVIS BROTHERS FRAMING, INC., 03-R3D1-0114
12. E. L. YEAGER CONSTRUCTION COMPANY, INC., 01-R5D3-3261
13. ETTER & SON CONSTRUCTION, INC., 03-R1D5-3131
14. GHILOTTI BROS. CONTRACTORS, 04-R1D5-2321 AND 2322
15. GLASS PAK, 03-R2D2-0750 AND 0751
16. HARRIS CONSTRUCTION COMPANY, INC., 03-R2D5-3914
17. HEARN CONSTRUCTION, INC., 02-R6D1-3533 THROUGH 3536
18. HELPMATES STAFFING SERVICES, 05-R3D3-2239
19. HENSEL PHELPS CONSTRUCTION, 01-R2D1-1618 & 1619
20. HUSSMAN CORPORATION, 03-R3D1-2939
21. ILH CONSTRUCTION, 02-R1D1-4172
22. IRBY CONSTRUCTION, 03-R3D3-2728
23. J. F. SHEA CONSTRUCTION, INC., 02-R5D3-801
24. JOHN LAING HOMES, 04-R3D1-194 AND 195
25. KENNY-SHEA-TRAYLOR-FRONTIER/KEMPER, JV, 03-R5D2-0323
26. KIMES-MORRIS CONSTRUCTION, 02-R1D4-1204 THROUGH 1209 & 02-1273
27. KNOTT'S BERRY FARM, 01-R3D1-4331 & 4332
28. LONG BEACH CITY COLLEGE, 03-R3D5-2747
29. LOS ANGELES, CITY OF, FIRE DEPARTMENT, 03-R2D5-3960
30. MCI WORLDCOM INC., 00-R1D1-440 THROUGH 442
31. McDONALDS #10660, 03-R1D3-4116 & 4117

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32. NIBBLELINK MASONRY CONSTRUCTION, 02-R3D3-1399 THROUGH 1401
33. NORTH FORK SPRINGS CONSTRUCTION, 02-R4D1-199 THROUGH 202
34. O & M INDUSTRIES, 04-R1D5-1597
35. PMR RACE CARS, 03-R3D3-1825
36. POUK & STEINLE, INC., 03-R4D2-1495 & 1496
37. RII PLASTERING INC., 02-R3D1-2679
38. SACRAMENTO MUNICIPAL UTILITY DISTRICT, 02-R2D1-1654 THROUGH 1656
39. SILVERCREST WESTERN HOMES, CORP., 03-R2D1-4305
40. STACY & WITBECK INC., 05-R1D1-1142
41. STRUCTURAL SHOTCRETE SYSTEM, 03-R4D3-986
42. SUN VALLEY SKYLIGHTS, INC., 03-R4D1-2613 & 2614
43. THE GENE SCHICK COMPANY, 05-R1D4-0937
44. TRIO METAL, 03-R4D4-0316 & 0317
45. WESTERN DOOR, 01-R3D1-2827
46. WEST VALLEY CONSTRUCTION COMPANY, INC., 01-R1D2-3017 & 3018
47. X-ACT FINISH & TRIM, INC., 06-R3D1-9114

**PENDING LITIGATION**

*(If the Division of Occupational Safety & Health or the Employer disagrees with a decision after reconsideration or a denial of a petition for reconsideration, either one or both parties may apply to the California Superior Court for a writ of mandate. The Appeals Board receives legal advice from its Legal Unit and provides policy direction regarding pending litigation.)*

**SUPERIOR COURT:**

1. HFS INVESTMENTS, INC., 01CS00981 (96-3079)
2. BLF FRAMING, INC., 04CS01618 (02-1837/38)

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3. DESILVA GATES CONSTRUCTION, 05CS00008 (01-2742)

**APPELLATE COURT:**

1. C. OVERAA & CO., CO51245 (04CS00570) 01-3560

**OTHER LEGAL MATTERS**

*(Any legal matter that comes about after the agenda is noticed 10 days in advance of the meeting announcement and that must be acted upon or legal matters pending before the Board requiring specific Board action but do not fall within the above categories.)*

**PERSONNEL** *(Issues regarding staff.)*

Any matter not completed at this Closed Session may be continued to subsequent meetings.